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Attorneys for Perkins Coie LLP

The Honorable Frederick P. Corbit
Chapter: 7

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WASHINGTON

In Re:

GIGA WATT, INC., a Washington
corporation,

Debtor.

MARK D. WALDRON, as Chapter 7
Trustee,

Plaintiff,

vs.

PERKINS COIE, LLP, a Washington
limited liability partnership; LOWELL
NESS, individual and California resident;
GIGA WATT PTE., LTD. a Singapore
corporation; and ANDREY KUZENNY, a
citizen of the Russian Federation;

Defendants

and

THE GIGA WATT PROJECT, a
partnership,

Nominal defendant.

No. 18-03197-FPC11

The Honorable Frederick P. Corbit

CHAPTER 7

Adv. Case No. 20-80031

**NOTICE OF NINTH CIRCUIT
RULING**

NOTICE OF NINTH CIRCUIT
RULING - 1

BYRNES ♦ KELLER ♦ CROMWELL LLP
38TH FLOOR
1000 SECOND AVENUE
SEATTLE, WASHINGTON 98104
(206) 622-2000

1 Attached hereto and incorporated herein as Appendix "A" is a true and correct
2 copy of the Ninth Circuit Order, entered October 28, 2022, ruling on the Trustee's
3 Motion to Remand or, in the Alternative, Dismiss as Moot the pending appeal in this
4 matter before the Ninth Circuit.
5

6 DATED this 28th day of October, 2022.

7 BYRNES KELLER CROMWELL LLP

MUNDING, P.S.

8 By /s/ Bradley S. Keller

By /s/ John Munding

9 Bradley S. Keller, WSBA #10665

John Munding, WSBA #21734

10 By /s/ Ralph E. Cromwell, Jr.

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11 By /s/ Jofrey M. McWilliam

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NOTICE OF NINTH CIRCUIT
RULING - 2

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1000 SECOND AVENUE
SEATTLE, WASHINGTON 98104
(206) 622-2000

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on this 28th day of October, 2022, I electronically filed the
3 foregoing with the Clerk of the Court using the CM/ECF System, which in turn
4 automatically generated a Notice of Electronic Filing (NEF) to all parties in the case
5 who are registered users of the CM/ECF system. The NEF for the foregoing
6 specifically identifies recipients of electronic notice.

7 By /s/ Ralph E. Cromwell, Jr.
8 Ralph E. Cromwell, Jr.
9 *Attorneys for Plaintiffs*
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NOTICE OF NINTH CIRCUIT
RULING - 3

BYRNES ♦ KELLER ♦ CROMWELL LLP
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SEATTLE, WASHINGTON 98104
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APPENDIX A

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

OCT 28 2022

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

In the Matter of: GIGA WATT, INC., a
Washington corporation,

Debtor,

MARK D. WALDRON, Chapter 7 Trustee,

Plaintiff-Appellee,

v.

PERKINS COIE LLP, a Washington limited
liability partnership; LOWELL NESS,
individual and California resident,

Defendants-Appellants,

and

GIGA WATT PTE., LTD., a Singapore
corporation; ANDREY KUZENNY, a citizen
of the Russian Federation,

Defendants.

No. 22-35104

D.C. No. 2:21-cv-00159-SAB
Eastern District of Washington,
Spokane

ORDER

Trustee's opposed motion for remand or, in the alternative, to dismiss as moot is DENIED. Trustee's corresponding request for judicial notice in support of his motion for remand or, in the alternative, to dismiss as moot is GRANTED.

FOR THE COURT:

MOLLY C. DWYER
CLERK OF COURT

By: Allison Fung
Deputy Clerk
Ninth Circuit Rule 27-7